

HOUSE BILL NO. 804  
Testimony Submitted by Judicial Branch  
To House Appropriations Committee  
March 7, 2007

The Judicial Branch supports the action taken by the Joint Appropriations Subcommittee on General Government and Transportation and respectfully requests that the Judicial Branch's budget be restored to reflect the Subcommittee's action as follows:

- ☐ ***Remove personal services reduction (\$500,000 for FY 2008 and \$500,000 for FY 2009).*** HB 804 reduces personal services in the District Court Operations Program by \$500,000 each fiscal year. If this reduction is imposed, a District Court judge will be forced to delay filling vacant support positions, which will impede the judge's ability to dispose of cases in a timely manner. Additionally, keeping Youth Court positions vacant will mean more overtime for existing staff or less services to troubled youth.
- ☐ ***Restore judicial support and youth probation staff (\$162,424 for FY 2008 and \$163,054 for FY 2009, 3.95 FTE).***
  - Support for District Court judges (0.95 FTE). Two judicial districts lack adequate administrative support forcing judges to answer phones, handle walk-in traffic, and perform other administrative tasks, which reduces time available for judicial duties. This proposal provides 0.2 FTE for the 7<sup>th</sup> Judicial District (McCone, Richland, Dawson, Prairie, and Wibaux Counties) to increase the judicial assistant to fulltime and 0.75 FTE for the 16<sup>th</sup> Judicial District (Garfield, Treasure, Rosebud, Custer, Powder River, Carter, and Fallon Counties) to increase two judicial assistants to fulltime.
  - Support for Youth Court (3.0 FTE). The 4<sup>th</sup> Judicial District (Missoula and Mineral Counties) and the 13<sup>th</sup> Judicial District (Yellowstone County) operate intensive supervision programs for juvenile offenders. These programs offer a more cost-effective and less restrictive alternative to high cost out-of-home placements, secure detention, or youth correctional facilities. Intensive supervision programs keep youth in the community, under close supervision and monitoring enabling them to attend school,

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receive treatment in the community, and hold a job to pay restitution. This appropriation would provide funding for two community supervision officers in the 4<sup>th</sup> Judicial District and one officer in the 13<sup>th</sup> Judicial District.

- ☐ **Restore pro se law clerk (\$56,534 for FY 2008 and \$53,979 for FY 2009; 1.0 FTE).** In 2006, 33% of the cases filed with the Supreme Court were generated by pro se parties (people representing themselves). These cases require significantly more court time to process than cases filed by law trained individuals. This position would conduct an initial review of pro se cases alerting the justices to those cases requiring review by the full Court. This threshold review would save justices hours of preliminary review. The clerk would also save time for the Attorney General's staff who are often requested by the Court to respond to the merits of inmate petitions.
- ☐ **Restore District Court safety and security proposal (\$300,000 one-time only).** This proposal is based on the Department of Justice's safety and security inspections of the state's district courthouses. The inspections generated a list of equipment needs for each courthouse. This appropriation would permit the Office of Court Administrator to provide grants to counties to purchase security equipment (e.g., convex mirrors, door locks and alarms, duress buttons, closed circuit cameras) to mitigate the most significant safety and security issues to help protect the public and employees who use these buildings. Counties receiving grants would be required to create joint security committees, adopt standard protocols for courthouse safety, and share in the cost of purchasing necessary equipment.
- ☐ **Restore judicial education (\$35,000 for FY 2008 and \$35,000 for FY 2009).** Judicial education is an essential component of an effective and efficient judiciary. Because relevant judicial training is not always available in-state, justices and judges need to travel out of state or educators need to be brought to Montana for training purposes. This appropriation would support out-of-state training for justices and judges, additional instructors at the judges' conferences, and in-state training for court employees, including judicial assistants, court reporters, law clerks, and youth court staff.